

**MEMORANDUM OF AGREEMENT  
BETWEEN  
CURECANTI NATIONAL RECREATION AREA  
AND  
THE COLORADO STATE HISTORIC PRESERVATION OFFICIER  
PURSUANT TO 36 CFR 800.5(e)(4)  
REGARDING  
EXPANSION OF THE DICKERSON GRAVEL QUARRY  
&  
MITIGATION OF IMPACTS TO SITE 5GN1277**

**WHEREAS,** Curecanti National Recreation Area (Park) proposes to issue a Special Use Permit to Gunnison Gravel and Earthmoving (Permittee) for the continued development of an existing mineral right, within the boundaries of the Park, consisting of a total of about 33 acres (about 12 acres in currently-active quarry operations and about 21 acres in proposed expansion); and

**WHEREAS,** the Park has established the area of potential effects (APE), as defined by 36 CFR 800.16(d), to be the total 21 acres of the proposed expansion, which includes portions of the archeological site 5GN1277; and

**WHEREAS,** the Park has determined the project will have adverse effects on archeological site 5GN1277, a site determined to be eligible for nomination to the National Register of Historic Places, in concurrence with the Colorado State Historic Preservations Officer's (SHPO); and

**WHEREAS,** the Park has consulted with the Colorado SHPO in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470 (NHPA), and its implementing regulations (36 CFR 800) to resolve the adverse effects of the proposed quarry expansion on historic properties; and

**WHEREAS,** a Data Recovery Plan (Plan) has been developed, based on evaluative testing at site 5GN1277, to mitigate effects of the undertaking; and

**WHEREAS,** the SHPO, having reviewed the Plan, and through consultation with the Park, has agreed to the terms of the Plan; and

**NOW THEREFORE,** the Park and the Colorado SHPO agree that the Plan shall be implemented in accordance with the following stipulations.

**STIPULATIONS**

The Curecanti National Recreation Area shall ensure the following stipulations are implemented:

### **1) Implementation of Mitigation Plan**

A.) For all archeologically sensitive areas identified in the Plan, the Park and Permittee, with review by the Colorado SHPO, shall consider measures, such as design modification, for avoidance of sensitive areas.

B.) The National Park Service employees, contractors or subcontractors implementing the Plan must meet the Secretary of the Interior's Professional Qualification Standards (48 FR 22716). Permits, as required under the Archaeological Resource Protection Act (P.L. 96-95: 93 Stat. 721, 16 U.S.C. 470) and the Antiquities Act of 1906 (P.L. 59-209: 34 Stat.225, 16 U.S.C. 431-433), must be secured prior to the implementation of the Plan.

### **2) Inadvertent Archeological Discoveries**

A.) In accordance with the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3002(d)(1)), upon discovery of any human remains, the protocol established in Appendix II of the Plan applies during the implementation of the Plan.

### **3) Monitoring of Mitigation Procedures**

A.) The SHPO may monitor activities pursuant to this agreement. The Park will cooperate with the SHPO in carrying out monitoring and review responsibilities.

### **4) Dispute Resolution**

A.) The Park shall not alter the specifications of the Plan without first affording the Colorado SHPO's office the opportunity to review the proposed change and determine whether it will require that revisions be made in this agreement. If revisions are needed, the Park shall consult in accordance with 36 CFR 800 to make such revisions.

### **5) Amendment of Agreement**

A.) Either party to this agreement may propose that the agreement be amended, whereupon both parties shall consult to consider such an amendment. 36 CFR 800.6(c)(1) shall govern the execution of any such amendment.

### **6) Termination of Agreement**

A.) This agreement will remain in effect for five (5) years following the date of the last signatory's acceptance of the agreement, unless the signatories agree in writing to an extension for carrying out its terms.

B.) If either signatory determines that the terms of this Memorandum of Agreement cannot be carried out, the signatories shall consult to seek amendment of the agreement.

If the agreement is not amended, either signatory may terminate its participation in the agreement upon 30 days written notice the other signatory (36 CFR 800.6(c)(8)).

**7) Information management**

A.) The Park will ensure that information resulting from the data recovery is submitted to the SHPO in a form acceptable to the SHPO following the report guidelines offered in 'Colorado Cultural Resource Survey Manual; Volume I' available from the Colorado Historical Society.

B.) Reports generated from the implementation of the Plan shall be available in printed and electronic formats.

Execution of this MOA by the Park and the SHPO, and its submission to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered to be an agreement with the Council for the purposes of Section 106 of the National Historic Preservation Act. Execution and submission of this MOA, and implementation of its terms evidence that the Park has afforded the Council an opportunity to comment on the Project and its effects on historic properties, and that the Park has taken into account the effects of the Project on historic properties.

**CURECANTI NATIONAL RECREATION AREA**

*[Signature]* Superintendent Date 2/3/04  
Name and Title

**COLORADO STATE HISTORIC PRESERVATION OFFICER**

*[Signature]* Deputy Date 2/6/04  
Name and Title